

REMARKS

Claims 1-35 are now pending in this application, with claims 1, 5, 9, 13, 17, 22, 26, 31, and 35 being independent. Claims 1, 5, 9, 13, 17, 22, 26, and 31 have been amended. Claim 35 has been added. Favorable reconsideration and allowance are respectfully requested.

As a threshold matter, Applicants note the Office Action's 35 U.S.C. § 112, Sixth Paragraph Notification, which states that "Applicant has provided means-plus function language in the instant claims, which could be construed as having a narrower meaning emanating from specific embodiments found in the specification." The Office Action does not identify which claims it believes use mean-plus function language, and in any event Applicants take no position now as to whether or not any of the instant claims are subject to Section 112 Paragraph 6. As set forth in detail below, the prior art fails to teach or suggest salient features of the claims, and there is therefore no need to, and Applicants do not, invoke Section 112 Paragraph 6 to distinguish the claims over the prior art. To the extent that any claim may be subject to the purview of Section 112 Paragraph 6, Applicants reserve their right to invoke the statute to argue for patentability at a later date.

Claims 1-34 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious from U.S. Patent 6,728,685 (Ahluwalia). This rejection is respectfully traversed.

As recited in independent claim 1, the present invention relates to a method of delivering goods ordered by a plurality of customers. In the method, a plurality of customers place orders for multiple goods from a vendor maintaining a server on a network. For each of the multiple goods in an order placed by a given customer, the vendor server determines whether the good is currently available at a local pick-up point geographically close to the given customer. For each such good, (i) in a case where the good is currently available at the local pick-up point, the vendor server ear-marks that good for the given customer, and (ii) in a case where the good is not currently available at the

local pick-up point, the vendor server fulfils the order of the given customer by causing the good to be shipped to the local pick-up point in a single shipping order in combination with goods ordered by others from among the plurality of customers who are also geographically close to the local pick-up point.

Independent claim 5 relates to a method of designating local receipt of items ordered from a vendor at a remote location. Independent claim 9 relates to a method of delivering goods ordered by plural customers. Independent claim 13 relates to an apparatus for controlling delivery of goods to plural customers. Independent claims 17 and 26 relate to a system for allowing multiple vendors to consolidate shipping of goods to customers. Independent claim 22 relates to a shopping server on a network that includes plural vendor servers and plural customer client terminals. Independent claim 31 relates to computer code storable on a computer-readable media and executable on a server, that carries out steps that correspond generally to the elements of claim 13. And independent claim 35 relates to a method of delivering goods ordered by a plurality of customers, at least one customer order being for multiple goods. All of those independent claims recite salient features of claim 1 discussed above, and all specifically recite customers placing orders for multiple goods.

Ahluwalia, as understood by Applicants, relates to a Web-based vehicle ordering and tracking system, in which a consumer inputs to a Web site criteria for a desired vehicle. As shown in Fig. 4, the system searches first for vehicles in dealership inventory, then for vehicles in transit, then for vehicles in plant inventory and then for vehicles in a to be constructed order bank. If no matches or near matches are found, a customer's order is placed. As is plain from Ahluwalia, the consumer is always searching for or ordering a single vehicle.

The present invention, in stark contrast, provides a novel system and method of delivering goods, in which plural customers place orders for multiple goods. In

this invention, for each of the multiple goods in an order, a determination is made as to whether the good is currently available at a local pick-up point. Each of the multiple goods in the order may be treated differently, depending on whether or not it is available at the local pick-up point. If it is available, the vendor server earmarks the good for the given customer, and if it is not, the vendor server fulfills the order by causing the good to be shipped to the local pick-up point in a single shipping order in combination with goods ordered by other customers. Thus, the present invention provides a methodology for fulfilling orders for multiple goods, in which each good may be treated differently, so that delivery efficiency is optimized.

Ahluwalia does not teach or suggest consumers placing orders for multiple goods, and as a result cannot possibly teach or suggest treating each of multiple goods within an order in a different fashion.

Accordingly, Applicants respectfully submit that independent claims 1, 5, 9, 13, 17, 22, 26, 31, and 35 are not rendered obvious by Ahluwalia, and respectfully request the Examiner to remove the Section 103 rejections.


The remaining rejected claims in this application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested and allowance of each are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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